

Purpose

The ethical conduct of public employees is a primary concern of the Utah Department of Transportation. The citizens of Utah rightfully demand ethical and responsible behavior from their public servants. The following policy outlines the Department's regulations with regard to conflicts of interest, private business activities of officers and employees, and rules and regulations with which employees are expected to comply.

Policy

This policy is not intended to be an all-encompassing list and employees are expected to comply with and will be held accountable for all rules and regulations of the Department and State. Other misconduct may, at the employer's sole discretion, result in corrective and or disciplinary action up to and including termination.

These regulations will provide guidance to all employees in protecting the integrity of the Department, their associates and themselves in carrying out the official business of the Department. These regulations will be administered by all leaders of the Department.

The Department and employees will keep promises, treat each other and each customer with whom they come into contact with honesty, courtesy, and respect. The Department wants to be worthy of the highest trust of those with whom we interact.

Employees who are subject to a law suit resulting from violations of this policy or other acts that are illegal or out of the scope of State employment duties may not be indemnified under the Governmental Immunity Act.

Any violations of this policy could result in disciplinary, administrative or other action against an employee, though action may be taken against employees for causes other than those listed.

1. Employees shall conduct themselves in a manner that is above reproach while on or off duty.
2. Employees shall be honest in all work settings, whether dealing with other employees or the Department's customers.
3. Employees shall not be insubordinate or disloyal to the orders of a leader.
4. Employees who are required or requested by the Department to keep records, make measurements or calculates quantities shall not knowingly alter, falsify or omit portions of information.

5. Employees shall report any leader who has requested that they engage in any work, including inaccurate record keeping or activity which is either contrary to the law, Department regulations, or Department policy. Reports should be made to a person in the Department who is over the leader or the region/group leader or higher as necessary. Reports made by employees shall be held in confidence and shall not jeopardize the reporting employees' position.
6. Employees shall abide by all civil or criminal laws, regulations, State administrative rules governing their work or professional activities, work place rules, policies and procedures of the Department.
7. Employees shall follow the federal and State laws when involved in political activity.
8. Employees shall engage in activities that are compatible and not in conflict with their duties as an employee.
9. Employees shall not cause damage to public property or waste public resources, supplies, or funds or use public property for personal or private advantage, through negligence or willful misconduct.
10. Employees shall make prudent and frugal use of State funds, equipment, buildings, and supplies.
11. Employees shall not intimidate, use physical harm, or threats of physical harm against co-workers, management, or the public at any time.
12. Employees shall support a work environment that is safe from all forms of violence, including domestic violence perpetrated within the workplace.
13. Employees shall at all times operate state vehicles and state equipment in a safe manner, employees shall not violate traffic laws, drive intoxicated, or be under the influence of drugs that affect their performance.
14. Employees shall not drink alcoholic beverages of any type or be under the influence of alcohol or controlled substance during duty hours including on-call hours or the possession of such on State property or in State equipment at any time.
15. Employees shall not circulate rumors degrading the Department or its officers and employees in writing or verbally. If employees have a complaint regarding other employees or the Department, they shall follow the procedure specified in Procedure 05C-42.1, "Employee Grievances".
16. Employees shall pay or make reasonable provisions for the future payment of their debts to the Department of Transportation.

17. Employees shall not take for personal use fees, gifts or other valuables in the course of their work, or in connection with it, when such fees, gifts or other valuables are given by any person in hope or expectation of receiving special privileges or treatment.
18. Employees shall obtain and maintain any license or certificate required to perform the essential functions of the position, including a proper drivers license. Employees will report any revocation or suspension of required licenses or certificates immediately to their leader.
19. Employees shall perform their assigned duties during the full schedule for which they are being compensated.
20. Employees shall be competent and efficient in the performance of their duties.
21. Employees shall not be wantonly careless or negligent in the performance of their duties.
22. Employees shall have the physical and mental ability to perform essential functions of the position either with or without an accommodation.
23. Employees shall meet the standards established in their individual performance plan, and report to their leader conditions, circumstances, unclear instructions, or procedures that would prevent them from performing their job effectively and safely.
24. Employees shall not abuse sick leave, rest periods, excess hours, and/or arrive late for their assigned shift, or work overtime hours without prior approval.

Outside Employment

State employment shall be the principal vocation of full-time employees governed by these rules. Employees engaging in outside employment are subject to the following conditions.

25. Employees shall not let outside employment interfere with efficient performance of their State position.
26. Employees shall not have outside employment that conflicts with the interests of UDOT or the State of Utah.
27. Employees shall not have outside employment that gives rise to criticism or suspicion of conflicting interests or duties.
28. Employees shall not pursue any outside employment that interferes in any way with their availability during emergencies.

29. Employees shall notify agency management in writing if the outside employment has the potential or appears to be in conflict with their UDOT position.

Conflict of Interest

Employees may receive honoraria or paid expenses subject to the following conditions.

30. Employees shall not use their State position or any influence, power, authority or confidential information they receive in that position or State time, equipment, property, or supplies for private gain.
31. Employees shall not receive outside compensation for their performance of State duties except in cases of:
- a. Awards for meritorious public contribution.
 - b. Honoraria or expenses paid for papers, speeches, or appearances made by employees with the approval of the administrative authority, or on their own time for which they are not compensated by the State, are not prohibited by these rules.
 - c. Usual social amenities, ceremonial gifts, or insubstantial advertising gifts.
32. Employees shall not engage in business such as selling goods, materials or services to the Department or to contractors working for the State where there may exist a potential conflict of interest, or render services to the Department on a contractual or fee basis.
33. Employees shall not accept gifts or favors from persons or companies that are doing business with or may be competing for work from the Department.
- Favors in this provision may include but are not limited to the offering of materials or services at a reduced price, the offer to give employment to members of an employee's family (either on a State job or otherwise) or any other consideration that may be construed as placing the employee in a position of indebtedness or obligation to persons or companies doing business with the Department.
34. Employees shall consult with their leader and obtain Department approval prior to engaging in activities where a potential conflict of interest exists.

Background

This policy and procedure is in compliance with the Department of Human Resource Management rules, the Utah Public Officers' and Employees' Ethics Act (67-16, Utah Code), the Utah State Personnel Management Act (67-19, Utah Code), the Utah Department of Transportation Policies and Procedures, and good business practices.

Procedures

Outside Employment

UDOT 05C-30.1

If the outside employment has either the potential or appears to be in conflict with UDOT or the State of Utah, the employee is required to notify his/her region/group leader or designee and gain approval to continue such employment.

Responsibility: Employee

Actions

1. Submits a statement to his/her region/group leader or designee describing the nature of the outside employment, whether or not the outside employer contracts with the State, the number of hours involved, and specifically details how conflicts of interest will be avoided.
2. Submits a statement each time there is a change in outside employment.
3. Failure to notify and gain approval is grounds for disciplinary action if the secondary employment is found to be a conflict of interest.

Responsibility: Region/Group Leader or Designee

4. Determines that either the employment or payment could reasonably present a real or potential conflict of interest, the leader may deny permission for the employee to engage in the activity or receive payment. The region/group leader or designee's decision may be grieved.